

March 22, 1968

CONGRESSIONAL RECORD — SENATE

S3195

mated gross income from all sources for the taxable year—

"(i) \$1,100, in the case of a taxable year beginning in 1969.

"(ii) \$2,200, in the case of a taxable year beginning in 1970,

"(iii) \$3,300, in the case of a taxable year beginning in 1971,

"(iv) \$4,400, in the case of a taxable year beginning in 1972, and

"(v) \$5,500, in the case of a taxable year beginning after 1972."

"(b) Failure by Individual to Pay Estimated Tax.—Section 6654(f) (relating to computation of tax for purposes of determining underpayment of estimated tax) is amended by striking out paragraph (3) and inserting in lieu thereof the following:

"(3) the sum of—

"(A) the credits against tax provided by part IV of subchapter A of chapter 1, other than the credit against tax provided by section 31 (relating to tax withheld on wages), and

"(B) in the case of an individual whose gross income from the active conduct of a trade or business for the taxable year is at least two-thirds of the total gross income from all sources for the taxable year—

"(i) \$1,100, in the case of a taxable year beginning in 1969,

"(ii) \$2,200, in the case of a taxable year beginning in 1970,

"(iii) \$3,300, in the case of a taxable year beginning in 1971,

"(iv) \$4,400, in the case of a taxable year beginning in 1972, and

"(v) \$5,500, in the case of a taxable year beginning after 1972."

"(c) Effective Date.—The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1968."

"Renumber succeeding sections of the bill."

AMENDMENTS NOS. 660 AND 661

Mr. JAVITS submitted two amendments, intended to be proposed by him, to the bill (H.R. 15414) to continue the existing excise tax rates on communication services and on automobiles, and to apply more generally the provisions relating to payments of estimated tax by corporations, which were ordered to lie on the table and to be printed.

AMENDMENT NO. 662

Mr. WILLIAMS of Delaware (for himself and Mr. SMATHERS) submitted an amendment, in the nature of a substitute, intended to be proposed by them, jointly, to House bill 15414, supra, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 663

Mr. WILLIAMS of Delaware (for himself and Mr. SMATHERS) submitted an amendment, intended to be proposed by them, jointly, to House bill 15414, supra, which was ordered to lie on the table and to be printed.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, March 22, 1968, he presented to the President of the United States the following enrolled bill and joint resolution:

S. 454. An act for the relief of Richard K. Jones; and

S.J. Res. 72. Joint resolution to provide for the designation of the second week of May of 1968 as "National School Safety Patrol Week".

INTERNATIONAL HEALTH, EDUCATION, AND LABOR SUBCOMMITTEE TO HOLD HEARINGS

Mr. YARBOROUGH. Mr. President, I am pleased to announce that the Special Subcommittee on International Health, Education, and Labor Programs will hold its first hearings on April 25 and 26.

The first business of this subcommittee will be S. 1779, a bill which I have introduced to establish a quasi-governmental corporation to provide open support for private activities in health, education and related welfare fields.

We will be particularly interested in three areas: first, the nature, amount, and effectiveness of current international activities by private organizations; second, the need for governmental assistance; third, the role of an independent agency such as the Foundation proposed, in increasing both the quality and quantity of the private sector's effort.

The skills that our private sector, particularly our youth, has developed through community help programs here and abroad reach vital world problems like education, labor, food production, and health care.

The cumulation of these skills give us an invaluable resource and that resource carries with it a responsibility to share it with the developing areas of the world. The question is whether this national responsibility will be met. The Government is constantly cutting back its support in this area and I am informed that it is increasingly difficult to raise funds from our largest foundations and corporations.

This subcommittee will be particularly interested in determining what existing Government agencies and others will do to support our private organizations' efforts because we are determined that their need will be met.

I ask unanimous consent that my bill, S. 1779, be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1779

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

ESTABLISHMENT OF FOUNDATION

SECTION 1. (a) There is hereby established as an independent agency of the Government an International Health, Education, and Labor Foundation (hereinafter referred to as the "Foundation").

(b) The Foundation shall be composed of a Director and an International Health, Education, and Labor Council (hereinafter referred to as the "Council").

(c) The purposes of the Foundation shall be to establish and conduct an international health, education, and labor program under which the Foundation shall provide open support for private, nongovernmental activities in the fields of health, education, and labor, and other welfare fields, designed—

(1) to promote a better knowledge of the United States among the peoples of the world;

(2) to increase friendship and understanding among the peoples of the world; and

(3) to strengthen the capacity of the other peoples of the world to develop and maintain free, independent societies in their own nations.

DIRECTOR OF FOUNDATION

SEC. 2. (a) The Foundation shall be headed by a Director who shall be appointed by the President, by and with the advice and consent of the Senate. The person nominated for appointment as the Director shall be a distinguished citizen who has demonstrated exceptional qualities and abilities necessary to enable him to successfully perform the functions of the office of the Director.

(b) The Director shall receive compensation at the rate prescribed for level II of the Executive Schedule under section 5311 of title 5, United States Code, and shall serve for a term of five years.

(c) The Director, with the advice of the Council, shall exercise all of the authority granted to the Foundation by this Act and shall serve as chief executive officer of the Foundation.

COUNCIL

SEC. 3. (a) The Council shall consist of eleven members to be appointed by the President, by and with the advice and consent of the Senate. The persons nominated for appointment as members of the Council

(1) shall be eminent in the fields of education, student activities, youth activities, labor, health, scientific research, or other fields pertinent to the functions of the Foundation; (2) shall be selected solely on the basis of established records of distinguished service; and (3) shall not be officers or employees of the Government of the United States. The President is requested, in the making of nominations of persons for appointment as members, to give due consideration to any recommendations for nomination which may be submitted to him by leading private associations, institutions, and organizations concerned with private activities in the fields of health, education, and labor, and other welfare fields related to the purposes set forth in the first section of this Act.

(b) The term of office of each member of the Council shall be six years except that (1) the terms of the members first appointed shall expire as designated by the President, three at the end of two years, four at the end of four years, and four at the end of six years after the date of enactment of this Act; and (2) any member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed. No member shall be eligible for reappointment during the two-year period following the expiration of his term.

(c) The members of the Council shall receive compensation at the rate of \$100 for each day engaged in the business of the Foundation and shall be allowed travel expenses as authorized by section 5703 of title 5, United States Code.

(d) The President shall call the first meeting of the Council and designate an Acting Chairman. The Board shall, from time to time thereafter, select one of its members to serve as Chairman of the Council.

(e) The Council shall meet at the call of the Chairman, but not less than once every six months. Six members of the Council shall constitute a quorum.

(f) The Council (1) shall advise the Director with respect to policies, programs, and procedures for carrying out his functions, and (2) shall review applications for financial support submitted pursuant to section 4 and make recommendations thereon to the Director. The Director shall not approve or disapprove any such application until he has received the recommendation of the Council thereon, unless the Council fails to make a recommendation on such application within a reasonable time.

(g) The Council shall, on or before the 31st day of January, of each year, submit an annual report to the President and the Congress summarizing the activities of the Council during the preceding calendar year and making such recommendations as it may deem

appropriate. The contents of each report so submitted shall promptly be made available to the public.

GRANTS IN SUPPORT OF PRIVATE ACTIVITIES

SEC. 4. (a) To effectuate the purposes of this Act, the Director is authorized, subject to section 3(f), to make grants to private, nonprofit agencies, associations, and organizations organized in the United States, to public or private nonprofit educational institutions located in the United States, and to individuals or groups of individuals who are citizens of the United States not employed by the Government of the United States, a State or political subdivision of a State, or the District of Columbia, for the purpose of enabling them to assist, provide, or participate in international activities, conferences, meetings, and seminars in the field of health, education, and labor, and other welfare fields related to the purposes set forth in the first section of this Act. No portion of any funds granted under this section shall be paid by the Director, or by any recipient of a grant under this section, to support any intelligence-gathering activity on behalf of the United States or to support any activity carried on by any officer or employee of the United States.

(b) Each grant shall be made by the Director under this section only upon application therefor in such form and containing such information as may be required by the Director and only on condition that the recipient of such grant will conduct openly all activities supported by such grant and make such reports as the Director may require solely to determine that the funds so granted are applied to the purpose for which application is made.

(1) The Director shall develop procedures and rules with respect to the approval or disapproval of applications for grants under this section which will provide, insofar as practicable, an equitable distribution of grants among the various applicants for such grants and types of activities to be supported by such grants, but which will assure that grants will be made to those qualified recipients most capable of achieving a successful or significant contribution favorably related to the purposes set forth in the first section of this Act. In making grants under this section, the Director shall not impose any requirements therefor or conditions thereon which impair the freedom of thought and expression of any recipients or other beneficiaries of such grants.

(d) The Director may (1) pay grants in such installments as he may deem appropriate and (2) provide for such adjustment of payments under this section as may be necessary, including, where appropriate, total withholding of payments.

PUBLIC REPORTS BY DIRECTOR

SEC. 5. The Director shall, on or before the 31st day of January of each year, submit an annual report to the President and the Congress setting forth a summary of his activities under this Act during the preceding calendar year. Such report shall include a list of the grants made by the Director during the preceding calendar year; a statement of the use to which each recipient applied any grant received during the preceding calendar year; and any recommendations which the Director may deem appropriate. The contents of each report so submitted shall promptly be made available to the public.

GENERAL AUTHORITY

SEC. 6. The Director shall have the authority, within the limits of funds available under section 9, to—

(1) prescribe such rules and regulations as he deems necessary governing the manner of the operations of the Foundation, and its organization and personnel;

(2) appoint and fix the compensation of such personnel as may be necessary to enable the Foundation to carry out its func-

tions under this Act, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates; except that the salary of any person so employed shall not exceed the maximum salary established by the General Schedule under section 5332 of title 5, United States Code;

(3) obtain the services of experts and consultants from private life, as may be required by the Director or the Council, in accordance with the provisions of section 3109 of title 5, United States Code;

(4) accept and utilize on behalf of the Foundation the services of voluntary and uncompensated personnel from private life and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(5) receive money and other property donated, bequeathed, or devised, by private, nongovernmental sources, without condition or restriction other than that it be used for any of the purposes of the Foundation; and to use, sell, or otherwise dispose of such property in carrying out the purposes of this Act; and

(6) make other expenditures necessary to carry into effect the purposes of this Act.

PROHIBITION AGAINST REQUIRING INTELLIGENCE GATHERING

SEC. 7. No department, agency, officer, or employee of the United States shall request or require any recipient or any other beneficiary of any grant made under this Act to obtain, furnish, or report, or cause to be obtained, furnished, or reported, any information relating, directly or indirectly, to any activity supported by such grant, except as is (1) provided by section 4(b) of this Act or (2) authorized under law in the case of any information directly relating to the violation of any criminal law of the United States by such recipient or beneficiary.

INDEPENDENCE FROM EXECUTIVE CONTROL

SEC. 8. (a) Determinations made by the Director and the Council in the discharge of their functions under this Act shall not be subject to review or control by the President or by any other department, agency, officer, or employee of the Government.

(b) The provisions of subchapter II of chapter 5 of title 5, United States Code (relating to administrative procedure), and of chapter 7 of such title (relating to judicial review), shall not apply with respect to the exercise by the Director or the Council of their functions under this Act.

APPROPRIATIONS

SEC. 9. There are hereby authorized to be appropriated to the Foundation such sums as may be necessary to carry out the purposes of this Act, except that the aggregate of such sums appropriated prior to June 30, 1972, shall not exceed \$100 million. Sums appropriated under this section shall remain available until expended.

NOTICE CONCERNING NOMINATION BEFORE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to, and is now pending before the Committee on the Judiciary:

Wilbur H. Dillahunty, of Arkansas, to be U.S. attorney, eastern district of Arkansas, for a term of 4 years, vice Robert D. Smith, Jr., resigned.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on

or before Friday, March 29, 1968, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

AMENDMENT OF THE COMMUNICATIONS ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 997, S. 3135.

The PRESIDENT pro tempore. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 3135) to amend the Communications Act of 1934 by extending the authorization of appropriations for the Corporation for Public Broadcasting.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3135

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraphs (1) and (2) of section 396(k) of the Communications Act of 1934 are each amended by striking out "1963" and inserting in lieu thereof "1969".

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 1017), explaining the purposes of the bill.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

S. 3135 is in the nature of a technical amendment to the Public Broadcasting Act of 1967. When the act was adopted, section 396(k)(1) provided for an authorization of \$9 million for the activities of the Corporation for the fiscal year 1968. In view of the fact that the Corporation is only now being organized, it would not be practical to expect an appropriation of the funds authorized for fiscal 1968 at this late date. S. 3135 takes cognizance of this situation by changing the authorization from fiscal 1968 to fiscal 1969.

Insofar as the long-range financing of the corporation is concerned, the President indicated in his message on education that the Secretary of Health, Education, and Welfare, the Secretary of the Treasury, and the Director of the Bureau of the Budget, and the Board of Directors for the Corporation for Public Broadcasting will be working with the appropriate congressional committees to formulate long-range financing plans.

No other provision of the Public Broadcasting Act of 1967 is affected by this legislation.

REQUEST FOR PERMANENT SUBCOMMITTEE ON INVESTIGATIONS TO MEET DURING SENATE SESSION—OBJECTION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the permanent Subcommittee on Investigations of the Committee on Government Operations be authorized to meet during the session of the Senate today.